

Maryland State Police Protocols for Investigating Trooper-Involved Fatalities in Conjunction with The Attorney General's Independent Investigations Division

The following protocols are an appendix to the general policies developed by the Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") in all IID investigations. It is understood that these protocols may need to be revised as the general policies are developed and put into practice.

The MSP is committed to assisting the IID in conducting objective, comprehensive, and timely investigations into all police-involved fatalities falling within the IID's purview. MSP is also committed to bringing the same high level of comprehensiveness and impartiality to the IID's investigations of Trooper related use of force fatalities. In an effort to assure impartiality in these investigations, MSP will engage in the following procedures in IID investigations of Trooper-related fatalities:

I. General Procedures for All IID Investigations

In all investigations conducted by the IID, including Trooper-related incidents, MSP personnel involved in the investigation will follow all policies and procedures developed by the IID and MSP for the investigation of all police-involved fatalities.

II. Notification to the IID For Trooper-Involved Fatalities

MSP will follow policies developed for notifying the IID for all possible IID investigations. When this notification is made in MSP trooper involved cases, MSP will specifically notify the on-call IID investigator at (410) 576-7070 and inform the investigator that the incident involves a Maryland State Trooper.

III. Geographic Separation in MSP Staffing

As soon as practicable after MSP's initial response to the scene of a Trooper-involved fatality, MSP will make every reasonable effort to staff the investigation with homicide detectives and other MSP personnel who are assigned to a different region of the State, separate from the region to which the Trooper(s) involved in the fatality are assigned.

IV. MSP Vetting for Potential Conflicts of Interest

- A. In every IID investigation into incidents involving MSP Troopers, MSP will conduct a comprehensive inquiry to determine whether any MSP personnel involved in the investigation has any actual, potential, or perceived conflicts of interest that might undermine public confidence in the impartiality and independence of the investigation. MSP will conduct this inquiry on all MSP personnel regardless of their duties in the investigation and will include both sworn and civilian MSP personnel.

- B. As part of the conflict review, MSP shall identify whether any person who will supervise or participate in the investigation has had any personal or professional interaction with or relationship to the Trooper being investigated that might reasonably call the person's impartiality into question.
- C. MSP will conduct this conflict of interest inquiry as soon as practical. If additional MSP personnel are added to the investigation after the initial conflict of interest vetting process, MSP will conduct a new inquiry for the additional personnel.
- D. MSP will promptly report the results of the conflict of interest inquiry to the IID. If members of the IID believe further inquiry should be done, MSP will promptly engage in those investigations.
- E. MSP will defer to the IID on decisions regarding the results of the conflict of interests vetting procedure. If, however, MSP determines that the risk of a potential conflict of interest is present, MSP may remove MSP personnel from the investigation on its own.
- F. If there is cause to believe police or civilian personnel for police agencies other than MSP that are involved in an IID investigations have potential conflict of interests, MSP will conduct an inquiry into the conflict of interests. MSP may seek the assistance of the involved agency in the conflicts investigation. MSP will promptly report the results of the inquiry to the IID.
- G. The IID will have final authority on all questions regarding any potential conflict of interest.

V. Potential Tampering with the Investigation

- A. MSP is committed to ensuring that all participants in IID investigations make the utmost efforts to protect the integrity and impartiality of the IID investigation.
- B. If there is cause to believe that any MSP personnel has committed an act or omission, either intentionally or recklessly, that could affect the impartiality of an IID investigation, MSP will immediately notify the IID of the situation. The IID may conduct a criminal investigation into the allegations and MSP may conduct a disciplinary investigation into the allegations. While the investigation is pending, the person being investigation will not be allowed to participate in any IID investigations.
- C. If it is determined that any MSP personnel did commit an act or omission, either intentionally or recklessly, that could affect the impartiality of an IID investigation, then, in addition to whatever criminal or disciplinary sanction is instituted, that person will also be permanently banned from working on IID investigations.
- D. If there is cause to believe that police personnel from agencies other than MSP have committed an act or omission, either intentionally or recklessly, that could affect the impartiality of an IID investigation, MSP or the IID will request that person's agency to conduct an investigation into the allegation. The IID may also conduct a criminal investigation into the allegations. While the investigation is pending, the person

being investigated will not be allowed to participate in IID investigations. If it is determined the person did commit the alleged act, they will be permanently banned from IID investigations.